

Atty. Docket No. 077650-0107

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Please amend the following claims.

1. (Cancelled)

2. (Currently Amended) The panel of claim 31 wherein the plurality of members have non-uniform width, non-uniform length, or both non-uniform width and non-uniform length.

3. (Currently Amended) The panel of claim 31, wherein the plurality of vertically extending members further comprise non-uniform lower edges.

4. (Currently Amended) The panel of claim 31, wherein the lower portion of the panel further comprises a textured surface.

5. (Original) The panel of claim 4, wherein the textured surface replicates the appearance of a material selected from the group consisting of wood, clay, ceramic, slate, tile and combinations thereof.

6. (Cancelled)

7. (Currently Amended) The panel of claim 31, wherein the fiber is selected from the group consisting of wood flour, sugar cane bagasse, hemp, coconut coir, jute, kenaf, sisal, flax, coir pith, rice-hulls and cotton, and combinations thereof.

8. (Currently Amended) The panel of claim 31, wherein the polymeric material is polyethylene, polypropylene and combinations thereof.

9. (Original) The panel of claim 8 wherein the polyethylene is selected from low density polyethylene, high density polyethylene, linear low density polyethylene and linear high density polyethylene.

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10. (Previously Presented) The panel of claim ~~30~~⁹ wherein adjacent members of the plurality of vertically extending members are connected together by a web of material.

Claims 11-19. (Cancelled)

11 ~~20~~. (Currently Amended) The construction panel of claim ~~21~~¹, wherein the panel comprises from about 50 to about 70 percent natural plant fiber and from about 20 to about 40 percent of a synthetic polymer.

18 ~~21~~. (Previously Presented) A construction panel comprising:
(a) an upper portion; and
(b) a lower portion, said lower portion comprising a plurality of vertically extending members wherein each of said vertically extending members is an appropriate size and shape to provide the appearance of a shingle, shake or tile;

wherein the panel comprises

- (i) from about 40 percent to 75 percent natural plant fiber;
- (ii) from about 20 percent to 60 percent of a synthetic polymer;
- (iii) up to about 3 percent coupling agent;
- (iv) up to about 0.5 percent antioxidant;
- (v) up to about 2 percent pigment;
- (vi) up to about 5 percent fungicide;
- (vii) up to about 10 percent inorganic filler; and
- (viii) up to about 20 percent flame retardant.

12 ~~22~~. (Currently Amended) The construction panel of claim ~~31~~¹, wherein the panel is a homogenous composition.

13 ~~23~~. (Currently Amended) The panel of claim ~~31~~¹, wherein the construction panel has an impact rating of class 3 or 4 under UL standard 2218.

14 ~~24~~. (Currently Amended) The panel of claim ~~31~~¹, wherein the construction panel has a class A, B, or C fire classification UL standard 790.

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15 ~~25~~ (Currently Amended) The panel of claim ~~25~~¹⁵ wherein the plurality of members have uniform widths and lengths.

16 ~~26~~ (Currently Amended) The panel of claim ~~26~~¹⁶ wherein the panel has two to seven vertically extending members.

17 ~~27~~ (Currently Amended) The panel of claim ~~27~~¹⁷ wherein the panel is up to about six feet by four feet.

28. (Cancelled)

29. (Cancelled)

9 ~~30~~ (Currently Amended) The construction panel of claim ~~30~~⁹, wherein said lower portion comprises a plurality of vertically extending members wherein each of said vertically extending member is an appropriate size and shape to provide the appearance of a shingle, shake or a tile.

31. (Previously Presented) A construction panel comprising:

- (a) an upper portion; and
- (b) a lower portion, wherein said lower portion provides the appearance of a plurality of vertically extending members wherein each of said vertically extending members is an appropriate size and shape to provide the appearance of a shingle, shake or a tile;

wherein the panel comprises:

- (i) from about 40 percent to 75 percent natural plant fiber;
- (ii) from about 20 percent to 60 percent of a synthetic polymer;
- (iii) up to about 3 percent coupling agent;
- (iv) up to about 0.5 percent antioxidant;
- (v) up to about 2 percent pigment;
- (vi) up to about 5 percent fungicide;
- (vii) up to about 10 percent inorganic filler; and
- (viii) up to about 20 percent flame retardant.